Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

TESTIMONY OF
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NATIONAL MARINE FISHERIES SERVICE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE
ON
SECTION 118 OF THE MARINE MAMMAL PROTECTION ACT OF 1972
BEFORE THE
COMMITTEE ON RESOURCES
SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS
U.S. HOUSE OF REPRESENTATIVES
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Mr. Chairman and members of the Subcommittee, thank you for inviting me to testify today on reducing takes of marine mammals under the Marine Mammal Protection Act (MMPA). I am Andrew Rosenberg, Deputy Assistant Administrator for Fisheries.

The National Marine Fisheries Service (NMFS), along with the U.S. Fish and Wildlife Service (FWS), administers the MMPA, which is the principal Federal legislation that guides marine mammal protection and conservation policy in U.S. waters. Under the provisions of the MMPA, NMFS is responsible for the management and conservation of over 140 stocks of whales, dolphins and porpoises, as well as seals, sea lions and fur seals, 40 of which are classified as strategic, and 29 of which are listed under the Endangered Species Act. The remaining marine mammal species (polar bear, walrus, sea otter, and manatee) are under the jurisdiction of the FWS.

The MMPA was enacted in 1972 due, in part, to public concern over the high levels of marine mammal deaths in fisheries such as the eastern tropical Pacific tuna purse seine fishery. Since then, marine mammal mortality incidental to commercial fishing operations has continued to be an issue of concern to Congress and the public. While there have been numerous amendments to the MMPA to address the problem of incidental take, the amendments of 1994 were, by far, the most comprehensive, particularly the addition of section 118. Among other things, section 118 requires the Secretary of Commerce to develop take reduction plans to assist in the recovery or prevent the depletion of strategic stocks of marine mammals which interact with commercial fisheries.

I welcome the opportunity to discuss with you the merits of the marine mammal take reduction process, as well as the positive impacts that take reduction plans and teams have had on marine mammal conservation and management. My testimony will specifically address major elements of the take reduction process,

including: 1) NMFS' implementation of the MMPA Amendments of 1994 with respect to the marine mammal take reduction process; 2) the goals and objectives of take reduction plans and teams; and 3) the current status of existing take reduction plans and teams, including successes and lessons learned. Finally, I will discuss those areas of the take reduction team process that could be addressed to improve NMFS' ability to fulfill its responsibilities to reduce marine mammal takes in commercial fisheries as we make plans for convening future take reduction teams.

Background of the Take Reduction Team Process

From 1988 to 1994, the MMPA contained an interim program that granted fishermen an exemption for taking marine mammals if their vessels were registered with NMFS, and they recorded marine mammal interactions in logbooks. The interim exemption also included an observer program, which enabled NMFS to collect information on fishery-specific levels of marine mammal incidental take. These data were ultimately used to guide development of the current long-term fisheries management regime established by the MMPA Amendments of 1994 in section 118.

Section 118 has a two-step goal. The first is to reduce the mortality and serious injury of marine mammals incidental to commercial fisheries below their potential biological removal (PBR) level, or the maximum number of marine mammals that may be removed from the stock and still allow the stock to reach or maintain optimum sustainable population levels. The second is to further reduce incidental mortality and serious injury of marine mammals to insignificant levels approaching zero (zero mortality rate goal or ZMRG).

To achieve these goals, NMFS conducts research to provide scientific information on the status of marine mammal stocks and reports this information in annual stock assessment reports (SARs). NMFS built upon the existing observer program to monitor incidental mortality and serious injury of marine mammals in the course of commercial fishing operations and revised the registration and reporting program. NMFS also classifies fisheries according to their degree of mortality and serious injury of marine mammals, based on monitoring and other information. Finally, NMFS develops take reduction plans to reduce the incidental mortality and serious injury of marine mammals in commercial fisheries.

Stock Assessment Reports. NMFS reviews the stock assessment reports annually for strategic stocks of marine mammals and at least every three years for stocks determined to be non-strategic. NMFS revises those reports for which significant new information is available. Stock assessments include definitions of stocks and their geographic ranges, population estimates, productivity rates, estimates of PBR levels and annual human-caused mortality and serious injury for each stock, identification of the commercial fisheries that interact with each stock, and a determination as to whether a stock is strategic. Since 1995, NMFS has reviewed 181 stock assessment reports and revised them when appropriate. In 1999, NMFS updated stock assessment reports for 57 stocks of marine mammals, including all 40 strategic stocks.

List of Fisheries. The annual List of Fisheries places all U.S. commercial fisheries into Category I, II, or III based on their frequency of incidental mortality or serious injury of marine mammals, with Category I having frequent, Category II having occasional, and Category III having a remote likelihood of incidental mortality or serious injury of marine mammals. For example, the Gulf of Maine and Mid-Atlantic lobster trap/pot fishery was classified as a Category I fishery based on examination of stranding and entanglement records of large whales, including the endangered northern right whale. Due to the critically endangered state of the northern right whale population, even relatively low levels of impact are considered significant.

The information to make these determinations is gathered mainly through observer programs and fisher registration and reporting and is essential in the take reduction process to evaluate the progress of each fishery towards achieving the goals of the MMPA, and to determine which fisheries should be the focus of the take reduction process. The 1999 List of Fisheries identifies a total of 186 fisheries: six Category I fisheries, 26 Category II fisheries, and 155 Category III fisheries. The List of Fisheries for 2000 is expected to be published in mid-April of this year.

Registration, Reporting, and Monitoring of Fisheries. All fisheries must report marine mammal injury and mortality. Fishermen participating in Category I and II fisheries must register under the Marine Mammal Authorization Program in order to engage in the lawful incidental take of marine mammals, and are required to carry an observer if requested by NMFS.

The purpose of fishery monitoring (observer) programs is to obtain statistically reliable estimates of incidental mortality and serious injury of marine mammals in commercial fisheries. NMFS currently operates 15 observer programs, eight of which are dedicated to collecting marine mammal data (all but one of the Category I fisheries are currently being observed). NMFS observes 15 percent (four out of 26) of the Category II fisheries. Due to resource constraints, the average observer coverage for each fishery is between 1 percent and 5 percent, although some fisheries are observed at 100 percent.

As a result of these programs, NMFS has collected detailed information on protected species interactions with commercial fisheries, including the geographic range of the fisheries, the seasons of operation, gear types used, fishing techniques used, the number of participants in each fishery, what species of fish are targeted in each fishery, and what type of management program exists for each fishery. These data help NMFS identify and develop gear modifications and technologies to more cost-effectively manage fisheries with respect to reducing marine mammal takes.

Take Reduction Teams and Plans

Pursuant to section 118 of the MMPA, NMFS convenes take reduction teams to develop take reduction plans for strategic marine mammal stocks that interact with Category I and II fisheries, and to assist in the recovery or prevention of depletion of the stocks. The take reduction teams consist of a wide range of stakeholders from the fishing industry, fishery management councils, interstate commissions, academic and scientific organizations, state officials, environmental groups, Native Alaskans or other Native American interests if appropriate, and NMFS representatives.

Take reduction teams may focus on a single marine mammal stock in a specific region or fishery, a stock that extends over one or more regions or fisheries, or multiple stocks within a region or fishery. Recognizing that insufficient resources exist to develop and implement a take reduction plan for all strategic stocks that interact with Category I and II fisheries, NMFS follows the guidance in section 118 to prioritize establishing take reduction teams to address stocks of greatest concern.

The immediate goal of a take reduction plan is to reduce, within six months of its implementation, the incidental mortality and serious injury of marine mammals below each marine mammal stock's PBR level (PBR is a biologically based number without adjustments for socio-economic considerations). The long-term goal of a take reduction plan is to reduce, within five years of its implementation, the incidental take of marine mammals to insignificant levels approaching zero mortality and serious injury rates, taking into account the economics of the fishery, the availability of existing technology, and existing State or regional fishery management plans.

The take reduction teams and NMFS are on a tight, MMPA-mandated deadline to develop and implement the regulatory framework for each plan. Once a team is convened for a stock where human-caused mortality and serious injury exceeds PBR,it has six months to submit a draft take reduction plan to NMFS. As directed by section 118, the teams are strongly encouraged to reach consensus on their draft plan. However, if consensus cannot be reached, the team is directed to advise NMFS of the range of possibilities considered by the team and the views of both the majority and minority. Once NMFS receives the draft plan from the team, we evaluate the plan to determine if it will meet the MMPA-mandated goals, and we publish team recommendations in the Federal Register, with any changes proposed by NMFS with an explanation of the changes, and NMFS' proposed regulations. Then, NMFS has approximately five months to implement a final plan, including opportunity for public comment. Final plans normally result in additional fishery regulations such as gear type restrictions or fishing area closures which are enforced by the Coast Guard. After each plan is finalized, the take reduction team and NMFS will meet every six months, or at other intervals as NMFS determines are necessary, to monitor progress toward achieving the plan's goals.

NMFS relies on information from the previously described programs to guide the entire take reduction process. Without this information, the teams would have an extremely difficult task in achieving the goals set for them in the MMPA.

NMFS implements the recommendations of the take reduction teams to the maximum extent feasible, given NMFS' authority, resources, and budget. As a result, some of the plans have taken longer than expected for NMFS to finalize and implement. Other challenges to meeting the deadlines include changes in fishery composition or management as a result of other statutory mandates (e.g., Fishery Management Plan amendments); difficulty in developing implementing regulations from complex team recommendations; and incorporating new data and information.

The Status and Implementation of Current Take Reduction Teams

To date, five take reduction teams have been established. They are the Pacific Offshore Cetacean, the Atlantic Offshore Cetacean, the Mid-Atlantic Harbor Porpoise, the Gulf of Maine Harbor Porpoise and the Atlantic Large Whale Take Reduction Teams. Table 1 lists the marine mammal stocks and fisheries addressed by each team.

Take reduction plans have been completed and implemented by final regulations for Pacific offshore cetaceans, Atlantic large whales, and for harbor porpoise in the Mid-Atlantic and the Gulf of Maine. NMFS combined the two draft harbor porpoise plans into one final Harbor Porpoise Take Reduction Plan, and the Atlantic Offshore Cetacean Plan has been partially implemented by final regulation through the Atlantic Highly Migratory Species Fishery Management Plan. Table 2 shows a timeline of the take reduction process for the four existing plans. Following is a summary of each of the take reduction plans and their current status.

Harbor Porpoise Take Reduction Plan. This plan is a combination of plans developed by the Gulf of Maine Harbor Porpoise and the Mid-Atlantic Take Reduction Teams. The goal of these two take reduction teams is to reduce the take of harbor porpoise to below 483 animals, the stock's PBR level. The Gulf of Maine Harbor Porpoise Take Reduction Team was established in February 1996 to develop a plan for reducing the incidental take of harbor porpoise in the Northeast sink gillnet fishery.

On December 2, 1998, NMFS published a final rule which included minor modifications to the team's

recommendation for closures and the use of acoustic deterrent devices (pingers) (63 FR 66464). The final plan closed six areas in the Gulf of Maine to gillnetting; however, during the majority of the closures, gillnetters could fish in those closed areas if they used pingers.

NMFS re-convened the Gulf of Maine team in December 1999 to review the success of the plan. The team recommended improvements to the plan through changes in fishing operations, modifications to pingers and their use, additional observer protocols, and improved and expanded data analysis. NMFS will consider the team's recommendations in any future modifications or improvements to the elements of the plan.

Similarly, the Mid-Atlantic Harbor Porpoise Take Reduction Team was formed in February 1996 to develop a plan for reducing incidental takes of harbor porpoise in the Mid-Atlantic coastal gillnet fishery. Although the team did not reach consensus, they did reach agreement on several key measures, which were submitted in a report to NMFS in August 1997. The team recommended management measures specific to the two predominant coastal gillnet fisheries, i.e., the monkfish and the dogfish fisheries, because certain gear characteristics of those fisheries could be related to higher incidences of harbor porpoise bycatch.

In the proposed and final rules, NMFS modified the team's recommendations by proposing management measures specific to large and small mesh size fisheries consistent with the characteristics of the monkfish and dogfish fisheries, respectively. NMFS also revised the team's plan and based regulatory measures on the relationship between gear characteristics and harbor porpoise bycatch, regardless of which fishery employs such gear characteristics. NMFS published a final rule, consistent with the overall intent of the team's consensus measures on December 2, 1998 (63 FR 66464).

The final rule for the Mid-Atlantic plan implemented gear modifications and net caps for the large and small mesh gillnet fisheries and short-term closures for the large mesh gillnet fisheries. Since the Mid-Atlantic bycatch reduction measures are based primarily on gear modification, the implementation of this plan requires high levels of observer coverage to monitor compliance.

NMFS re-convened the Mid-Atlantic team in January 2000 and reached consensus on a number of additional recommendations, including issues regarding observer coverage, improving communication between NMFS and the team, adjusting the fisheries' boundaries, and redefining the "small mesh" fishery to more accurately address marine mammal bycatch.

The combined efforts of the Mid-Atlantic and Gulf of Maine Harbor Porpoise Take Reduction Teams resulted in the Harbor Porpoise Take Reduction Plan, which, in combination with groundfish closures in the Gulf of Maine under the Magnuson-Stevens Fishery Conservation and Management Act, led to reductions in the bycatch of harbor porpoise in the Gulf of Maine. The most recent stock assessment data indicate that harbor porpoise bycatch in the Northeast sink gillnet fishery has been reduced from approximately 1400 in 1995 to less than 400 animals in 1998. However, the total combined harbor porpoise bycatch, (including bycatch in the Mid-Atlantic region estimated at approximately 450 for 1998), is still greater than the PBR level. NMFS will continue to work with the Gulf of Maine and Mid-Atlantic teams to further reduce harbor porpoise takes throughout its range.

The Pacific Offshore Cetacean Take Reduction Plan. The Pacific Offshore Cetacean Take Reduction Team was convened in February 1996 to address incidental takes of beaked whales, pilot whales, pygmy sperm whales, sperm whales, and humpback whales in the California/Oregon thresher shark/swordfish drift gillnet fishery. The final consensus rule implementing the team's plan was published on October 3, 1997 (62 FR 51805), implementing the team's four main bycatch reduction recommendations that: 1) the top of fishing

nets be set at a minimum depth of 36 feet below the water surface; 2) pingers be required on all nets; 3) the states of California and Oregon reduce the potential for a future increase in fishing effort by not re-issuing permits to inactive fishermen; and 4) vessel operators be required to attend educational workshops.

In May 1999, NMFS re-convened the team to review bycatch estimates from the 1998/1999 fishing season and other data, which indicated that the Pacific Offshore Cetacean Take Reduction Plan has reduced marine mammal entanglements by an order of magnitude in only two years of implementation. Specifically, commercial fishermen have reduced mortalities and serious injuries from approximately 500 per year in the early 1990s to about 50 in 1998. However, the report of a sperm whale caught in a net that was not in compliance with NMFS regulations prompted the team to recommend that NMFS pursue more aggressive enforcement measures to monitor compliance with the plan. The next meeting of the team is scheduled for May 2000.

The Atlantic Large Whale Take Reduction Plan. The Atlantic Large Whale Take Reduction Team was established in August 1996 to develop a plan for reducing the incidental take of right whales, humpback whales, fin whales, and minke whales in the South Atlantic shark gillnet fishery, the Gulf of Maine and Mid-Atlantic lobster trap/pot fishery, the Mid-Atlantic gillnet fishery, and the Gulf of Maine sink gillnet fishery. Because the team did not reach consensus, NMFS developed a final plan and implementing regulations based on the range of team recommendations and considerable public input. Interim final regulations were published on July 22, 1997 (62 FR 39157), and the final rule was published February 16, 1999 (64 FR 7529).

Although there are several large whale species addressed within the scope of the plan, efforts are primarily focused on the critically endangered northern right whale. Currently, the PBR level for right whales is 0.4 animals per year, however, preliminary data from 1998 indicate that the population is in decline, and that the PBR level should be set at zero.

The Atlantic Large Whale Take Reduction Plan closes some critical habitat areas to certain gear types when right whales are present, prohibits certain fishing practices, identifies gear modification options for fishermen, creates a network to respond to entangled whales, funds gear research to develop technological solutions to reduce entanglements, and improves outreach efforts to inform fishermen about the problems of right whale entanglements and seeks their input on technical solutions.

For example, NMFS has established a disentanglement program that involves: (a) a multi-agency and institution network to locate, monitor, and safely disentangle marine mammals; (b) maintenance of a database for entanglements, providing data access and periodic reports to users; and (c) development of regional protocols and plans, including outreach to the general public. The U.S. Coast Guard provides critical support in monitoring initial entanglement reports and transporting disentanglement personnel to events. Although the disentanglement team attempts to respond to all documented entanglement reports, the priority for response is for any immediately life-threatening event of endangered right and humpback whales. Depending on the situation, and with consideration for human safety, all reasonable efforts are made to get to and free each entangled whale.

In 1998, NMFS expanded the disentanglement network, particularly by increasing fishermen involvement. Commercial fishermen, in many ways, are ideal participants in the disentanglement network because of their vast experience on the water, knowledge of local fishing gear and practices, familiarity with hazardous working conditions at sea, and because they are likely to be operating vessels in areas where entanglements occur. The program has also been expanded to include the Mid-Atlantic states and the Southeast United

States, and now includes a cache of equipment that can be quickly deployed to the site of an entangled whale.

Experience has shown that disentanglement is best undertaken by trained and experienced personnel, with appropriate protocols for the procedure as well as the associated data collection. Because of this, NMFS contracted with the Center for Coastal Studies in 1998 to develop a program for large whale disentanglement training for commercial fishermen in the state of Maine. With the cooperation of NMFS, the Atlantic Large Whale Take Reduction Team, lobster zone council representatives, other fishermen, and Maine outreach contacts, training began in spring 1998 and has been ongoing to the present time.

However, the recent entanglements and deaths of right whales has heightened the need for NMFS and the team to develop recommendations for ways to reduce takes of right whales associated with fisheries, specifically through gear modification research. Given that the population may be in decline and that the take of any whale is significant, the outcome of the next team meeting will be critical to the success of the Atlantic Large Whale Plan.

Based on best available data, mortalities and serious injuries from stocks of humpback, fin, and minke whales do not exceed their calculated PBR levels. However, due to the critical status of northern right whales, NMFS re-convened the team in February 2000 to discuss options for gear modifications to further reduce mortality and serious injury of right whales. The team will meet again in April 2000 to discuss additional management measures needed to further reduce take.

The Atlantic Offshore Cetacean Take Reduction Team. The Atlantic Offshore Cetacean Take Reduction Team was convened to reduce the incidental take of right whales, humpback whales, sperm whales, beaked whales, pilot whales, common dolphins, bottlenose dolphins, and spotted dolphins in the Atlantic pelagic driftnet, longline and pair trawl fisheries. The team reached consensus on several strategies to reduce takes in each fishery and provided a draft plan to NMFS in November 1996. Pair trawl gear is not currently authorized for fishing in the Atlantic tuna or swordfish fishery, therefore the team's recommendations regarding pair trawl gear were not implemented. Much of the whale and dolphin interactions were known to occur within the driftnet fishery, and after completing a comprehensive assessment of the swordfish and tuna driftnet fisheries, NMFS published a final rule prohibiting the use of driftnet gear in the North Atlantic swordfish fishery (January 27, 1999; 64 FR 4055). Additionally, many of the recommended measures for reducing takes in the longline fishery are being implemented as part of the Highly Migratory Species Fishery Management Plan, published May 28, 1999 (64 FR 29090). Regulations applicable to all longliners include a limited entry system and call for voluntary educational workshops. Regulations focusing on the Mid-Atlantic area (the area with the highest potential for marine mammal bycatch), include limiting the length of line to 24 nautical miles from August through November, closing an area in the Mid-Atlantic Bight during June to longliners targeting tuna, and requiring vessels to move after one marine mammal entanglement and to alert other vessels of the presence of marine mammals in the area.

At this time, Atlantic offshore cetacean mortalities appear to have been reduced to below the PBR level for most stocks covered by this plan. However, NMFS is concerned that the fishery is responsible for high levels of serious injury to offshore cetaceans. NMFS plans to reconvene the team to review updated data on mortality and serious injury estimates, specifically of pilot whales, and to determine whether any additional regulations or other bycatch reduction measures for the longline fishery are necessary.

The Merits of Using the Take Reduction Process to Reduce the Take of Marine Mammals

Take reduction plans are complex and often controversial, since they attempt to meet both marine mammal conservation requirements and the needs and concerns of the fishing industry. Implementation of the take reduction plans has taken a significant amount of financial and staff resources and has taken longer than anticipated to complete. However, through the dedication of participants from a wide-range of stakeholder groups, we are seeing some real successes in the preliminary stages of implementation.

NMFS believes that the take reduction team approach is generally successful in identifying ways to reduce marine mammal bycatch, while maintaining economically sustainable fisheries. NMFS conducted a survey of all take reduction team members in the fall of 1998 in an effort to identify ways to improve the take reduction process. The majority of survey respondents believed that: 1) the process was an effective resource management tool; 2) enough time was allocated for negotiations; 3) team member viewpoints were heard and incorporated into the plan; and 4) the process was fair. However, respondents had concerns regarding the implementation of the final plans and regulations.

For example, a consistent concern voiced by take reduction team members was the need for more detailed information on marine mammal stocks and the fisheries with which they interact to aid their deliberations. The more information available to the take reduction teams on fisheries and marine mammal stocks, the more options the team has to achieve its goals in the most appropriate and cost-effective way. To address this and other concerns, we are developing an action plan to improve communication, speed up the implementation of the plans, provide more focus on enforcement and monitoring and expand data sharing and analysis. We are also working with stakeholders to expand and improve communication between NMFS and stakeholders regarding the take reduction process through workshops, web pages, public hearings, letters to fishermen, fisherman forums, dockside outreach, the *MMPA Bulletin*, and other means.

Issues for Consideration During MMPA Reauthorization

In general, NMFS believes the take reduction process and other requirements of section 118 work well. The process has been effective at bringing stakeholders together to jointly address the difficult issues involved in reducing the mortality and serious injury of marine mammal stocks incidental to commercial fisheries. However, because this process has been constantly evolving and must be tailored somewhat to adequately meet the needs of the individual situations, we are learning many lessons and believe that there are specific areas within section 118 that could be addressed to improve NMFS' ability to reduce the take of marine mammals incidental to commercial fisheries.

Zero Mortality Rate Goal (ZMRG). Section 118 sets two deadlines for achieving the ZMRG. First, ZMRG must be met within the context of each take reduction plan within five years of its establishment, and second, all commercial fisheries must achieve ZMRG by April 30, 2001. Unfortunately, efforts to achieve the first deadline of reaching ZMRG for each take reduction plan have been delayed due to difficulties in achieving PBR levels within six months of each take reduction plan's implementation. We have also concluded that reaching ZMRG will require extensive research, gear technology development, and testing to identify ways to further reduce takes. Therefore, given that it has been difficult to meet PBR levels for most plans, and given that it is unlikely that fisheries will be able to meet either ZMRG deadline, we would welcome any suggestions that the Subcommittee may have to assist us in addressing this issue.

Recreational Fisheries. The impacts of certain recreational fisheries on marine mammal stocks has been an area of increasing concern for NMFS, and section 118 of the MMPA does not currently provide for the take of marine mammals incidental to the operation of recreational fisheries. Although recreational fishermen can serve on take reduction teams, they are not covered by the long-term regime which authorizes the

incidental take of marine mammals, and are therefore subject to the general moratorium on taking marine mammals. Because many recreational fisheries utilize gear types similar to those used in commercial fisheries, such as beach gillnets and lobster and crab pots, NMFS is concerned that they may impact marine mammals, particularly coastal stocks of bottlenose dolphins. We would welcome any suggestions that the Subcommittee might have to better provide for reporting and monitoring of recreational fisheries and to help NMFS quantify and clarify recreational fishery impacts and achieve better representation of those fisheries in the take reduction process.

Streamlined Take Reduction Process. The take reduction process, while inherently sound, takes considerable time, staff resources, and expense. This multi-year process consists of approximately two to three years of observer coverage, abundance surveys, and research into stock structure and fishery characteristics, at an estimated annual cost of $2 million. Convening teams for negotiations, including assembling the team and contracting a facilitator, can take approximately two years and cost approximately $500K per team. Additionally, time is required for NMFS to develop the regulations, followed by three to five years of monitoring and follow-up with the team, at an approximate cost of $100K per meeting and $800K per year of observer coverage.

Finally, significant staff effort is also spent during this process, conducting analyses, and both during and following negotiations.

NMFS has followed the statutory guidance for prioritizing the development of take reduction plans for marine mammal stocks by first addressing the fisheries and marine mammal stocks of greatest concern. However, there are additional marine mammal stocks that could benefit from the take reduction process. We are currently considering ways to streamline the take reduction process administratively to provide flexibility for NMFS and team members to address additional marine mammals stocks that interact with commercial fisheries. We welcome suggestions from the Subcommittee on ways to achieve this, including providing funds requested in the President's Budget.

Conclusion

The MMPA has had a significant impact on marine mammal conservation. NMFS has worked hard to implement the sweeping changes brought about in 1994, particularly those in section 118. Over the last six years, NMFS has gathered vital information on stock abundance and human-caused mortality in the annual stock assessment reports; implemented a fishery classification system to prioritize and focus on fisheries of greatest impact to marine mammals; developed an at-sea observer program to gather important detailed information essential to take reduction analysis; and convened five take reduction teams and finalized four take reduction plans to reduce the take of strategic marine mammals. However, NMFS recognizes that the implementation of section 118 can be improved, and we have taken steps to address problems and areas of concern identified by team members.

As we make plans to convene the next take reduction team to address incidental mortality and serious injury of Atlantic bottlenose dolphins in Mid-Atlantic fisheries in the fall of 2000, we have applied these lessons learned and have dedicated significant funding and time to develop abundance estimates, identify and distinguish the bottlenose dolphin's complex stock structure, and monitor interactions with commercial fisheries through at-sea observer programs and stranding response efforts.

We have found the take reduction team process to be arduous, time-intensive, and always changing, but NMFS is proud of its efforts and especially the efforts of a wide range of stakeholders to make the process

work. We are beginning to see the results of those efforts, and we are hopeful that the success we have experienced in reducing marine mammal takes in the early stages of implementation will continue in existing and future plans.

I welcome the opportunity to discuss improving the take reduction process with you and to work toward effective resolution to these and other important marine mammal conservation issues.

Table 1

Take Reduction Teams

Take Reduction Team	**Marine Mammal Stocks**	**Fisheries**
Pacific Offshore Cetacean	Beaked whales, pilot whales, pygmy sperm whales, sperm whales, humpback whales	California/Oregon thresher shark/swordfish drift gillnet
Atlantic Offshore Cetacean	Right whales, humpback whales, beaked whales, pilot whales, common dolphins, bottlenose dolphins, spotted dolphins	Atlantic large pelagics longline, driftnet, and pair trawl
Mid-Atlantic Harbor Porpoise	Harbor porpoise	Mid-Atlantic coastal gillnet
Gulf of Maine Harbor Porpoise	Harbor porpoise	Northeast sink gillnet
Atlantic Large Whale	Right whales, humpback whales, fin whales, minke whales	Northeast sink gillnet, Mid-Atlantic coastal gillnet, Gulf of Maine/Mid-Atlantic lobster trap/pot fishery, southeastern U.S. Atlantic shark gillnet fishery.

Table 2

Take Reduction Plan Timeline

	Pacific Offshore Cetacean	Atlantic Offshore Cetacean	Harbor Porpoise [Gulf of Maine]	Harbor Porpoise [Mid-Atlantic]	Atlantic Large Whale
Date convened	Feb. 15, 1996 (61 FR 5385)	May 23, 1996 (61 FR 25846)	Feb. 12, 1996 (61 FR 5384)	Feb. 25, 1997 (62 FR 8428)	Aug 6, 1996 (61 FR 40819)
First meeting	Feb. 13-14, 1996 (61 FR 5385)	May 29-30, 1996 (61 FR 25846)	Feb. 14-15, 1996 (61 FR 5384)	Mar. 4-5, 1997 (62 FR 8428)	Sept. 16-17, 1996 (61 FR 48131)
Draft plan submitted to NMFS	Aug. 15, 1996	Nov. 25, 1996	Aug. 8, 1996	Aug. 25, 1997	Feb. 5, 1997
Draft plan and	Feb. 14,	Draft plan and proposed rule not	Aug. 13, 1997	Sept. 11, 1998	Apr. 7, 1997

proposed rule published	1997 (62 FR 6931)	published due to fishery management decisions	(62 FR 43302) Comment period reopened and extended to Jan. 14, 1998 (62 FR 65402). Revised proposed rule Sept. 11, 1998 (63 FR 48670)	(63 FR 48670)	(62 FR 16519)
Final plan and final rule published	Oct. 3, 1997 (62 FR 51805) Technical amendment May. 21, 1998 (63 FR 27860) Interim final rule Jan. 22, 1999 (64 FR3431)	Partially implemented under Highly Migratory Species FMP May 28, 1999 (64 FR 29090)	Dec. 2, 1998 (63 FR 66464)	Dec. 2, 1998 (63 FR 66464)	Interim final rule Jul. 22, 1997 (62 FR 39157) Final rule Feb. 16, 1999 (64 FR 7529) Partial stay Apr. 9, 1999 (64 FR 17292) Partial stay Dec. 20, 1999 (64 FR 73434)
Follow-up	2/97, 6/98, 5/99	Reconvene in 2000	12/97, 12/99 - Plan revisions in progress	1/00 - Plan revisions in progress	2/99, 2/00, 4/00 - Plan revisions in progress

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